

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-CV-296-D

4318 MEDICAL PARK DRIVE, LLC,)
and SSS HOLDINGS, LLC,)
Plaintiffs,)
v.)
SELECTIVE INSURANCE COMPANY)
OF AMERICA,)
Defendant.)

ORDER

The court has reviewed defendant's motion to dismiss for failure to state a claim upon which relief can be granted [D.E. 13] and plaintiffs' complaint under the governing standard. See Fed. R. Civ. P. 12(b)(6); Ashcroft v. Iqbal, 556 U.S. 662, 677–80 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555–63, 570 (2007); Coleman v. Md. Court of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), aff'd, 566 U.S. 30 (2012); Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255–56 (4th Cir. 2009); Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008). Plaintiffs' claims eke across the plausibility line. Whether the claims will survive a motion for summary judgment is an issue for another day. The court DENIES defendant's motion to dismiss [D.E. 13].

SO ORDERED. This 14 day of April, 2022.


JAMES C. DEVER III
United States District Judge